

क्रमांक 314-ज (II-74/15012.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जो कि उसमें आज तक हरियाणा सरकार द्वारा संशोधन किया गया है) की धारा 2(ए)(1ए) तथा 3(1ए) के अनुसार सौंदर्य एवं अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल निम्नलिखित व्यक्तियों को वार्षिक कीमत वाली युद्ध जागीर उन के सामने दी फसल तथा राशि एवं सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं:—

क्रमांक	ज़िला	जागीर पाने वाले का नाम	गांव व पता	तहसील	फसल/वर्ष जब से जागीर दी गई	वार्षिक राशि
1	कुरुक्षेत्र	श्री सुन्दर सिंह, पूर्व श्री वधावा सिंह	अरसाई	थानेसर	खरीफ, 1965 से रबी, 1970 तक	100
					खरीफ, 1970 से	150
2	„	श्री बाल राम, पूर्व श्री साधू राम	रामशरण	„	खरीफ, 1965 से रबी, 1970 तक	100
			माजरा		खरीफ, 1970 से	150

यशवन्त कुमार जैन,
विशेष कार्य अधिकारी ।

LABOUR DEPARTMENT

The 23rd May, 1974

No. 4402-4-Lab74/16950.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Hindustan Dowidat Tools Ltd., Jatheri (Sonepat).

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 202 of 1972

between

Shri Sube Singh and the management of M/s Hindustan Dowidat Tools Ltd., Jatheri (Sonepat)

Present.—

Shri M. S. Rathi, for the workman.

Shri C. M. Lal, for the management.

AWARD

Shri Sube Singh, concerned workman was in the service of M/s Hindustan Dowidat Tools Ltd., Jatheri (Sonepat) as a Machineman. The management served him with a charge-sheet on 2.8.1971 actually received by him on 11.8.1971 that he was negligent and careless in the performance of his duties and instead of attending to his own work, he moved about in the other departments and instigated the other workers not to attend to their work and on 2.7.1971 and 23.8.1971 when he was to work in the 2nd shift, he left his machine without the permission of his officer incharge and went to the departments to carry out propaganda with regard to the union activities and obtained signatures of the workers on some papers which acts of his constituted misconduct under the Certified Standing Orders of the Company. He was called upon to submit his explanation within 48 hours and by another direction in the charge-sheet, he was placed under suspension from 11.8.1971 till the conclusion of the inquiry. He submitted his explanation denying the charges levelled against him by the management which was, however, not considered satisfactory and an inquiry into his conduct was ordered. After receiving the findings of the Inquiry Officer, the management dismissed him from service w.e.f. 3.2.1972. Feeling aggrieved, he raised a demand for reinstatement but without success. The conciliation proceedings initiated on his demand notice dated 22.3.1972 which forms part of the present reference also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, referred the above dispute for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947,—*vide* order No. ID/RK/64-B-72/3278-90, dated 22.8.1972, with the following term of reference:—

“Whether the termination of services of Shri Sube Singh was justified and in order? If not, to what relief is he entitled?”

The parties put in their pleadings. The management relied upon the enquiry proceedings which were brought on record in original and it was contended that the charges levelled against the workman having been established in the enquiry, the order of his dismissal from service was justified. The workman on the other hand, besides denying the charges, pleaded that no proper enquiry had been held against him and, therefore, the order of his dismissal from service was illegal and wrongful and he was entitled to reinstatement with payment of back wages.

From the pleadings of the parties, the only issue that arose for determination in the case was as per the term of reference stated above.

As required by law, the question of the vires of the enquiry has to be decided first. The management has brought on record the enquiry proceedings and documents relating thereto and Shri U. C. Pant, Personnel Officer who conducted the enquiry has been examined as M.W. 1. He has proved the enquiry record including the letter of his appointment as Enquiry Officer Ex. M. 1, the record of the enquiry proceedings (pages 1 to 36) Ex. M. 2, 25 documents relating to the enquiry as per details given in the 1st Ex.M. 3., his findings Ex.M. 4 and the Certified Standing Orders of the Company Ex. N. 5. According to him, due notice of the enquiry was given to the workman concerned who, however, did not participate in the enquiry until and unless Shri M. S. Rathi Union Leader was allowed to represent him in the enquiry which was not permissible under the Certified Standing Orders of the Company. The workman could get assistance from his co-workers only which facility was allowed to him. He, however, insisted on being represented by Shri M. S. Rathi alone and when this request of his was declined he elected not to appear and take part in the proceedings which were, therefore, held *ex parte* against him. On the evidence produced by the management, he found the workman guilty of the above charges and accordingly submitted his report Ex.M. 4, on consideration of which the management dismissed him from service.

On the other hand, the workman has made his own statement. According to him, he remained under suspension for 8 or 9 months and no enquiry was held in his presence nor was given any opportunity to defend himself. He has further stated that on the last date of enquiry, he had reached late by half an hour and the enquiry was concluded on his absence.

Arguments have been addressed at length on both sides and I have given a thoughtful consideration to the material on record. The Enquiry Officer, Shri U.C. Pant was subjected to a lengthy cross-examination, but nothing worth considerable has come out to discredit his testimony. From his statement read with the enquiry proceedings on record, it would appear that the charges as stated above were clearly communicated to the workman and his explanation was taken into consideration but it found to be satisfactory, the Enquiry Officer gave him full opportunity to defend himself in the enquiry but he insisted upon the appearance of Shri M. S. Rathi Union Leader an outsider which was not permitted by the Certified Standing Orders of the company on record as Ex. M. 5. The worker could be represented only by one or more co-workers in the enquiry for which full opportunity was given to him by the Enquiry Officer, but he declined this officer and made persistent demand that he should be allowed to produce Shri M. S. Rathi Union Leader as his representative in the enquiry proceedings which was not permissible as already discussed. The Enquiry Officer gave him the maximum possible accommodation. The enquiry proceedings commenced on 6.9.1971 and were adjourned a number of times to enable the workman to bring the co-workers of his choice which he did not. He rather elected not to appear and take part in the proceedings. The Enquiry Officer proceeded *ex parte* against him on 21.1.1972 and after taking into consideration the evidence of the management and documents produced before him, he gave his findings of guilty against this workman on 23.1.1972,—*vide* his report Ex.M.4. A close and careful scrutiny of the material in record given me the impression that the Enquiry Officer had all along been fair and reasonable in conducting the enquiry against this workman and had given him full opportunity to defend himself. The workman did not co-operate with him and having finally elected not to appear and take part in the proceedings, the Enquiry Officer had no alternative but to proceed *ex parte* against him.

The learned representative of the workman has argued that the charges levelled against the workman were vague and indefinite. The contention is not warranted by the facts on record. The charge-sheet, as discussed above is quite clear and speaks for itself. He had submitted his explanation to the charge-sheet. No plea of vagueness of the charge was taken by him at any stage. He had signed some of the enquiry proceedings, while on certain dates he had refused to sign the same. The enquiry proceedings were read-out and explained to him by the Enquiry Officer.

So, taking into consideration all the facts and the circumstances of the case, I do not find any thing wrong with the domestic enquiry held in the case against the workman concerned. It has not been shown that the Enquiry Officer had violated any principle of natural justice in holding the enquiry nor is there any thing to indicate that he was in any way prejudiced against this workman. He had given him full opportunity to defend himself and th

enquiry proceedings had been adjourned a number of times to enable him to produce co-workers of his choice to assist him in the enquiry. It was not fault of the Enquiry Officer that he had elected not to appear and participate at the final stage of the enquiry, when his request for being represented by Shri M.S. Rathi had been disallowed in accordance with the provisions of the certified Standing Orders of the Company. He was at liberty to produce Co-workers of his choice and lead his defence to refute the charges leveled against him by the management, but he did not avail of this opportunity for reasons best known to him.

So, judged from whatever angle, the enquiry held against the present workman is found to be just and reasonable and taking into consideration the nature of the charges levelled against him which were established in the enquiry the management was within its right to dispense with the services of this person who was not a willing workman and instead of attending to his duties during working hours indulged in extraneous matters pertaining to the union activities and instigated other workers in other departments to follow suit and act according to his wishes.

For the reasons aforesaid, I see no ground whatever to interfere with the action taken by the management against the workman. The issue involved is decided against him holding his dismissal from service to be justified and in order and, in the result, he is not entitled to any relief by way of reinstatement or payment of any back dues. The award is made accordingly, but without any order as to costs.

O. P. SHARMA,

Dated 10th May, 1974.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1049, dated 14th May, 1974

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4567-4Lab-74/17791. - In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s. Escorts Ltd., Plant No. 1, Faridabad:-

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA.
ROHTAK

Reference No. 136 of 1970

between

SHRI SUKHDEV RAJ AND THE MANAGEMENT OF M/S ESCORTS LTD., PLANT NO. 1,
FARIDABAD

Present :-

Shri Onkar Parshad, for the workman.

Shri K. K. Khullar, for the management.

AWARD

Shri Sukhdev Raj, Token No. 2069, concerned workman, was in the service of M/s. Escorts Ltd., Plant No. 1, Faridabad. He was dismissed from service on 8th April, 1968, allegedly on a charge of mis-conduct and after holding domestic enquiry. Feeling aggrieved, he raised a demand for reinstatement but without success. The matter was taken up for conciliation which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana referred the dispute for adjudication to this court in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, with the following term of reference:-

Whether the termination of services of Shri Sukhdev Raj was justified and in order? If not, to what relief is he entitled?

The parties put in their pleadings, the issue that arose for determination in the case is precisely the same as per the term of reference stated above.

The management has relied upon the enquiry proceedings, records whereof have been produced in original. The question of the vires of the enquiry has, therefore, to be decided first.

The management has examined Shri S. C. Vohra, Personnel Manager who had conducted the enquiry into the charge-sheet, dated 6th December, 1967, Exhibit M.W. 1/3, which reads as under :

"(i) That your production is much below the required standard and despite repeated warnings to you to give the requisite production there has been little improvement. Following is the detail of your production for the last several days and the production that you are required to give :—

Date	Item of production	Production given by you	Production required to be given
		Pcs.	Pcs.
20th November, 1967	.. Nuts	.. 1	70
21st November, 1967	.. Brackets	.. 2	10
22nd November, 1967	.. Bushes, Bolts	.. 2	15
23rd November, 1967	.. Brackets	.. 5	10
26th November, 1967	.. Handle	.. 1	10
27th November, 1967	.. Gear Blank	.. 1	10
28th November, 1967	.. Rethreading Nuts	.. 2	70
29th November, 1967	.. Shoes	.. 1	4
30th November, 1967	Shoes	.. 2	4
1st December, 1967	.. Piston Rods TVU	.. 5	30
3rd December, 1967	.. Front Plates	.. 3	12
4th December, 1967	.. Brackets	.. 4	10
5th December, 1967	.. Brackets	.. 4	10

(ii) That on 3rd December, 1967 at 7.10 P.M. (at time other than the recess), you went to the canteen in utter violation of our various office orders and circulars which forbid entry in the canteen at times other than the recess.

(iii) That while on duty in the 2nd shift on the night of 5th December, 1967 at 11-45 P.M. you were found by your Foreman Mr. Mota Singh gossiping with Mr. Hardev Kumar, Token No. 2097 when he advised you to stop gossiping and to work on the machine, you refused to do so and rudely asked him to go and report to the higher authorities.

(iv) That again on the night of 5th December, 1967 at 12 P.M., you came to the Foreman, Mr. Mota Singh and uttered him the following obscene and filthy language :—

"Jera Mera Lun Putna Hai Put Lai ; aur jer kisi hor Kalun putwana hai putwa lai."

Your above acts constitute misconduct under standing order No. 21 (i), (ix) and (xvi).

Please show cause as to why strict disciplinary action should not be taken against you for the aforesaid act of mis conduct. Your explanation should reach the undersigned within 24 hours of the receipt of this charge-sheet, failing which it shall be presumed that you have no explanation to offer and that you are guilty of the charges alleged against you and the management shall

proceed with taking such action as warranted under the Standing Orders. In order to maintain proper discipline in the concern and to enable holding of a proper enquiry in the case, you are suspended from service with immediate effect.

You should report daily at 10 A.M. on all working days at the Factory's time office and receive directions or communications addressed to you.

Please sign the duplicate copy of this charge-sheet in token of your having received the same."

The explanation of the worker denying the aforesaid charges is on record as Exhibit M. W.1/4. Shri Vohra has stated on solemn affirmation that he had conducted the enquiry properly in the presence of the workman who had been given full opportunity to cross-examine the witnesses of the management and produce his defence. He has proved the enquiry proceedings Exhibit M. W. 1/6(28 leaves) and his enquiry report Exhibit M. W. 1/7 (6 leaves). According to his findings, charges Nos. 1 and 2 had not been proved and he, therefore, did not suggest any action against the workman on the basis of these charges. Charge No. 3 although established against the workman but was not considered to be serious enough to provide any punishment. With regard to the 4th and the last charge of mis-conduct levelled against the workman by the management as per the charge-sheet referred to above, the enquiry officer was of definite opinion that this was a very serious and grave offence committed by the workman by using filthy and abusive language to the Foreman Mr. Mota Singh which was duly established and for which he deserved deterrent punishment. After considering the above report of the Enquiry Officer, the management did not find Shri Sukhdev Raj to be a despicable person and, therefore, passed the impugned order of his dismissal from services.

The main grievance of the workman is that he was not given proper opportunity to be represented by his co-workers and no proper enquiry was held against him. This contention, however, is not warranted by the facts on record. A perusal of the enquiry proceedings would show that as many as 15 dates of hearing had been fixed for holding the enquiry from 17th December, 1967 to 14th March, 1968 and the workman was given full opportunity to bring to the co-workers of his choice to assist him in the enquiry and some of the co-workers namely Harbans Lal and Om Parkash had actually participated at some stages of the enquiry and the Enquiry Officer, had adjourned the enquiry proceedings a number of times on the request of the workman. At the last stage of the enquiry on 13th March, 1968 and 14th March, 1968, however, these two co-workers could not be present for one reason or the other and the Enquiry Officer gave the workman opportunity to produce other workers of his choice to represent him in the enquiry, but this offer was declined by him. He further withdrew himself from taking part in the enquiry. The Enquiry Officer, therefore, proceeded *ex parte* against him and examined 3 witnesses of the management.

The enquiry proceedings read with the findings of the Enquiry Officer do not disclose that the Enquiry Officer had acted in any un-just or arbitrary manner or had violated any principle of natural justice in holding the said enquiry. He had accommodated the workman as far as was possible and had adjourned the enquiry a number of times on his request. It was not for him to compel any co-worker to assist the workman. It was for the workman to choose by which of the co-workers he wanted to be assisted in the enquiry. He had suggested the names of Sarvshri Om Parkash and Harbans Lal and the Enquiry Officer allowed the presence of these two co-workers who had actually attended the enquiry proceedings on several dates of hearing fixed in the case. If they had ultimately withdrawn themselves or were unable to participate in the enquiry for one reason or the other, this was no fault of the Enquiry Officer. The workman could conduct the enquiry himself or get the assistance of some other co-workers but he instead withdrew himself from the enquiry proceedings leaving no alternative to the Enquiry Officer but to proceed *ex parte* against him.

There is another aspect of the case which deserves consideration here. Nothing worth mention has been brought on record to indicate that the Enquiry Officer was in any way prejudiced against him or his findings were perverse. As a matter of fact, he had held the first charge not to have been established and for the 2nd and 3rd charges also he had suggested no action against the workman. The 4th and the last charge levelled against the workman by the management for having mis-behaved towards the Foreman Shri Mota Singh by using rather filthy and abusing language was un-doubtedly serious and constituted a major mis-conduct under standing order 21 (i) of the Certified Standing Orders of the Company by which he was governed. In the circumstances, the management was fully competent to take a strict view of the matter and as such the impugned order of dismissal from service passed against the workman was perfectly justified and in order. Taking into consideration the very grave nature of the offence committed by him it can not by any stretch of imagination be held that the punishment awarded is harsh and not commensurate with the guilt of the workman.

For the reasons aforesaid, I do not find any thing wrong with the enquiry conducted against the present workman into the charges of mis-conduct levelled against him by the management nor with the punishment awarded to him in the circumstances, discussed above. The issue involved is, therefore, decided against the workman holding his dismissal from service as being justified and in order and, in the result, he is not entitled to any relief by way of reinstatement or payment of back dues. The award is made accordingly. There shall, however, be no order as to costs.

Dated the 8th May, 1974.

O. P. SHARMA,
Presiding Officer,

No. 1116, dated 17th May, 1974

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4579-4Lab-74/17793.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Ram Dass Barkat Ram, Bahadurgarh:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 17 of 1974

between

SHRI ROSHAN LAL AND THE MANAGEMENT OF M/S RAM DASS BARKAT RAM, BAHADURGARH

Present.—

Shri Onkar Parshad, for the workman.

Nemo, for the management.

AWARD

Shri Roshan Lal workman concerned was in the service of M/s Ram Dass Barkat Ram, Bahadurgarh. The management terminated his services with effect from 11th May, 1973. Feeling aggrieved, he raised a dispute which was referred for adjudication to this court by order No. 1D/RK/200-A-74/5422-23, dated 4th March, 1974, of the Governor of Haryana, in exercise of the powers conferred by clause(c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, with the following term of references:—

Whether the termination of services of Shri Roshan Lal was justified and in order? If not, to what relief is he entitled?

Usual notices were given to the parties who have arrived at an amicable settlement as stated by Shri Onkar Parshad the authorised representative of the workman concerned. According to the settlement the workman has submitted his resignation and received payment of his dues in full and final settlement of his entire claims against the management including the right of reinstatement or re-employment.

In view of the above, no further proceedings are called for in the case and a no dispute award is given in terms of the above settlement holding that the workman concerned having himself tendered his resignation and collected his dues, he is not entitled to any other relief. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1126, dated the 18th May, 1974.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,